



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

08/753 929 12/02/96 ROTHSCILD

07920119

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
F3M1/1105			

GERALD J FERGUSON JR
SIXBEY FRIEDMAN LEEDOM AND FERGUSON
2010 CORPORATE RIDGE
SUITE 600
MCLEAN VA 22102

EXAMINER	
3002	
ART UNIT	PAPER NUMBER
11/05/97	

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

Art Unit: 3302

DETAILED ACTION

Election/Restriction

This application contains claims directed to the following patentably distinct species of the claimed invention: (i) Figure 3; (ii) Figure 6; and (iii) Figure 8.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1-4, 13, 15-18, and 28-30 are generic.

Applicant is advised that a response to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

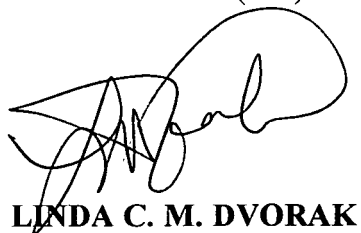
Art Unit: 3302

A telephone call was made to Donald Studebaker on 28 October 1997 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(h).

Any inquiry concerning this communication should be directed to Linda C. M. Dvorak at telephone number (703) 308-0994. In addition, facsimile transmissions concerning this application should be directed to Linda C. M. Dvorak at facsimile number (703) 305-3590.



LINDA C. M. DVORAK
EXAMINER
ART UNIT 3302

LCM Dvorak
November 4, 1997